

Appl. No. 10/726,237
Amdt. Dated June 4, 2008
Reply to Office Action Mailed March 4, 2008

REMARKS

The above Amendments and these Remarks are in response to the Office action mailed March 4, 2008. Claims 1-2, 6-7, 12 and 16-18 are cancelled without prejudice; and claims 3-4, 8 and 13-14 are amended. Claims 3, 8 and 13 are essentially rewritten in independent form, and expressed to overcome the rejection under 35 U.S.C. §112(2). No new matter is added.

Claim Rejections Under 35 U.S.C. §112

Claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been cancelled without prejudice, therefore the rejection relating thereto is now moot.

Furthermore, amended claims 3, 8 and 13 are rewritten in independent form by incorporating the substance of the features of claim 1 therein. Accordingly, insofar as the rejection of claim 1 may now apply to amended claims 3, 8 and 13, applicant respectfully asserts that amended claims 3, 8 and 13 comply with 35 U.S.C. §112(2), as follows:

Amended claim 3 recites in part, "...wherein the light source fixing device connects with the setting frame through the shaft, and is rotatable about the shaft."

Paragraphs [0016] and [0017] of the specification provide descriptions in relation to FIG. 1 of the drawings.

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Paragraph [0016] states that “[t]he shaft 7 attaches the light source fixing device 6 to corresponding opposite sidewalls 21, and serves as an axle that the light source fixing device 6 can rotate about.” That is, paragraph [0016] clearly indicates that it is the **light source fixing device 6** which is rotatable about the shaft 7. This embodiment squarely supports the above-quoted language of amended claim 3.

In addition, paragraph [0017] of the specification states that “[w]hen the shaft 7 is rotated, the light source fixing device 6 is rotated correspondingly. The light source is thereby raised or lowered to selected different planes.” That is, FIG. 1 and paragraph [0017] indicate that movement of the light source involves **rotation of the light source along with the light source fixing device 6**, and corresponding displacement of the light source in an **upward direction or a downward direction**. Accordingly, applicant submits that the embodiment described in paragraph [0017] squarely supports the above-quoted language of amended claim 3 wherein it is the **light source fixing device** which is **rotatable about the shaft**.

For at least the above reasons, amended claim 3 particularly points out and distinctly claims the subject matter which applicant regards as the invention.

Amended claims 8 and 13 each recite in part, “...wherein the light source fixing device connects with the setting frame through the shaft, and is rotatable about the shaft.” For reasons similar to those asserted above in relation to amended claim 3, applicant submits that amended claims 8 and 13 also particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim Rejections Under 35 U.S.C. §102

Claims 1, 2, 6, 7, 12, and 16-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Okahira et al. (US 2001/0002862).

In response, claims 1, 2, 6, 7, 12, and 16-18 have been cancelled without prejudice, therefore the rejection relating thereto is now moot.

Objections

Claims 3-5, 8-11, and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, amended claims 3, 8 and 13 are rewritten in independent form and also expressed to overcome the rejection under 35 U.S.C. §112(2). Therefore, amended claims 3, 8 and 13 should be allowable.

Claims 4-5 depend from amended claim 3, and therefore should be allowable in their current dependent forms.

Claims 9-11 depend from amended claim 8, and therefore should be allowable in their current dependent forms.

Claims 14-15 depend from amended claim 13, and therefore should be allowable in their current dependent forms.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

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CONCLUSION

Applicant submits that the foregoing amendments and Remarks place this application in condition for allowance. If Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 714.626.1240.

Respectfully submitted,
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